

### **REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the following remarks.

The Applicants originally submitted Claims 1-10 in the application. Previously, the Applicants elected Claims 1-8 and withdrew Claims 9-10. The Examiner then issued a Species Election and the Applicants elected Claims 1-3 and 5-7 and withdrew Claims 4 and 8 and in the Applicants response we amended Claims 1, 2 and 7. Presently, the Applicants have not amended, canceled or added any claims. Accordingly, Claims 1-3 and 5-7 are currently pending in the application.

#### **I. Rejection of Claims 1-3 and 5-7 under 35 U.S.C. §102**

The Examiner has rejected Claims 1-3 and 5-7 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2005/0106459 to Kroupenkine *et al.* ("Kroup"). Initially, it should be pointed out that the Applicants, concurrently herewith, are filing a petition to amend the instant application to be a continuation –in-part off of Kroup, as this indication was unintentionally left off of the filing of the instant application. Accordingly, while the Examiner is asserting that Kroup is a §102 reference, upon granting of this petition it will no longer be a proper reference.

Notwithstanding, independent Claims 1 and 7 currently include the element, in one form or another, that an electrode has a plurality of separate cells. The Examiner asserts that Figures

3A, 3B, 3C, 3D, 3E, 4, 5A, and 5B of Kroup teach the element of the electrode having a plurality of separate cells. In actuality, each of said Figures teaches only a single cell, as defined by the instant application (see, page 8 line 16 thru page 11, line 2 of the instant application), and thus do not teach the plurality of separate cells as is currently claimed. Therefore, Kroup as applied by the Examiner, fails to disclose an electrode that has a plurality of separate cells, as is currently claimed.

Therefore, Kroup does not disclose each and every element of the claimed invention and as such, is not an anticipating reference. Because Claims 2-3 and 5-6 are dependent upon Claim 1, Kroup also cannot be an anticipating reference for Claims 2-3 and 5-6. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

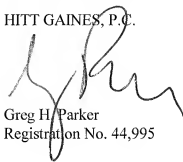
## **II. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-3 and 5-7.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Greg H. Parker', written over the printed name.

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